THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO.4642 OF 2007

Between:

M.Yadagiri Reddy and five others

……Petitioners

and

1. The Special Court under A.P.Land Grabbing (Prohibition) Act, Court No.1, Basheerbagh, Hyderabad and eighteen others

……..Respondents

O R D E R: (PER BPR J.,)

Heard the learned counsel for the petitioners Sri K.Mahipathi Rao, learned Government Pleader for Revenue appearing for the first respondent, Sri Deepak Bhattacharji, learned counsel for the second respondent and Sri A.Narasimha Reddy, learned counsel for respondent Nos. 3 to 19 and at their instance, the writ petition is being disposed of.

This writ petition is filed in the nature of Certiorari seeking to declare the order passed in I.A.No.190 of 1999 in L.G.C.No.3 of 1997, dated 29.12.2006 on the file of the first respondent-Special Court under A.P. Land Grabbing (Prohibition) Act, Court No.1, Hyderabad, as illegal and to quash the same.

The facts of the case in brief are that the second respondent filed the present application seeking to appoint the Assistant Director, Survey & Land Records, as Commissioner to survey the application schedule land under the supervision of the Joint Director of Survey & Land

Records and to fix up the boundaries of the land in dispute. Though the said land in dispute was surveyed earlier by the Inspector of Land Records, Director of Survey & Land Records, Joint Collector and also the Mandal Surveyor and submitted their reports and panchanamas, which were marked as Exs.B.9 to B12 & Exs.B18 to B.20, dis-regarding the previous survey reports, the Court below again directed the Regional Joint Director, Survey & Land Records to survey and demarcate the lands in S.No.226 of Nacharam Village, as per the provisions of the Survey & Boundaries Act and shall submit the final report within a period of two months from the date of those orders. Hence, the present writ petition is filed.

Having heard the learned counsel on either side and on perusing the material placed before this Court, the main question that arises for consideration in the present writ petition is whether there is any necessity for conducting fresh survey in respect of the lands in question.

There is no dispute with regard to the chequered events as pointed out by both sides. Whenever legal inspection was made, the officials filed their reports by stating that there was no overlapping of the land in dispute. As the court below accepted the reports of the officials without any objection and marked the same as Exs.A18, 19 & 20, the question of re-appointing the Surveyor does not arise. Therefore, it is not open for the court below to give a chance to the second respondent to go on exercising survey after survey. However, it is made clear that it is always open for the respondents to raise their objections with regard to the

reports and whenever such objections are raised, the court below shall consider the same.

Hence, the writ petition is allowed and the application filed by the second respondent in I.A.No.190 of 1999 in L.G.C.No.3 of 1997 stands dismissed. No order as to costs.

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B.PRAKASH RAO J.,

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M.VENKATESWARA REDDY J.,

Dt.12.04.2007
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